



Malaysia

International Religious Freedom Report 2005

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The Constitution provides for freedom of religion; however, the Government placed some restrictions on this right. Islam is recognized in the Constitution as "the religion of the Federation," but the practice of non-Sunni Islamic beliefs was significantly restricted. Non-Muslims were free to practice their religious beliefs with few restrictions.

There was no change in the status of respect for religious freedom during the period covered by this report.

The generally amicable relationship among religions in society contributed to religious freedom.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of approximately 127,000 square miles, and its population is approximately 25 million. According to 2000 census figures, approximately 60 percent of the population practiced Islam; 19 percent Buddhism; 9 percent Christianity; 6 percent Hinduism; and 3 percent Confucianism, Taoism, and other traditional Chinese religions. The remainder was accounted for by other faiths, including animism, Sikhism, and Baha'i.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, but it also recognizes Islam as the country's religion. In practice, the Government significantly restricts the observance of Islamic beliefs other than Sunni Islam. The Government provides financial support to an Islamic religious establishment composed of a variety of governmental, quasi-governmental, and other institutions, and it indirectly provides more limited funds to non-Islamic communities. State governments impose Islamic religious law on Muslims in some cultural and social matters but generally do not interfere with the religious practices of the non-Muslim community. Prime Minister Abdullah is a proponent of moderate, progressive "Hadhari" Islam. Some observers believe support for this policy contributed to his 2004 election victory over the opposition Islamic Party of Malaysia (PAS), which advocates a stricter Islamic agenda.

Several religious holy days are recognized as official holidays, including Hari Raya Puasa (Muslim), Hari Raya Qurban (Muslim), the Prophet Muhammed's birthday (Muslim), Wesak Day (Buddhist), Deepavali (Hindu), Christmas (Christian), and, in East Malaysia, Good Friday (Christian).

Religious organizations must register with the Registrar of Societies or with one of the constituent bodies of the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, and Sikhism (MCCBCHS) to qualify for government grants and other benefits.

Public schools generally offered Islamic religious instruction, which is compulsory for Muslim children. Non-Muslim students are required to take nonreligious morals/ethics education. Private schools are free to offer a non-Islamic religious curriculum as an option for non-Muslims. There are no restrictions on home instruction. The Government offered grants only to privately run Muslim religious schools that agreed to allow government supervision and adopted a government-approved curriculum.

In February 2005, the Malaysian Bar Council organized a forum to discuss the creation of an interfaith commission aimed to promote better understanding and respect among the country's religious groups. Several mainstream Islamic groups refused to participate in the forum on the grounds that an interfaith commission would "weaken Islam." The Government subsequently

announced that an interfaith commission was not necessary but stated that interfaith dialogue should be encouraged.

Restrictions on Religious Freedom

In practice, Muslims were not permitted to convert to another religion. In several recent rulings, secular courts ceded jurisdiction to the Islamic courts in matters involving conversion to or from Islam. In July 2004, the Federal Court upheld a 2002 lower court ruling that only the Islamic court is qualified to determine whether a Muslim has become an apostate; in 2000, the Islamic court sentenced four persons to 3-year prison terms for apostasy.

In April 2004, the Kuala Lumpur High Court held that only the Islamic court had jurisdiction over a suit by a non-Muslim mother to nullify the conversion of her two children to Islam without her agreement. The father converted to Islam after he became estranged from his wife and allegedly converted his two infant children to gain custody over them. The MCCBCHS stated the ruling "tramples over the rights of non-Muslim parents." The mother filed an appeal and subsequently fled the country with her children.

Control of mosques is exercised at the state level rather than by the federal government; state religious authorities appoint imams to mosques and provide guidance on the content of sermons. While practices vary from state to state, both the Government and the opposition PAS have attempted to use mosques in the states they control to deliver politically oriented messages. In recent years, several states controlled by the ruling coalition government announced measures including banning opposition-affiliated imams from speaking at mosques, more vigorously enforcing existing restrictions on the content of sermons, replacing mosque leaders and governing committees thought to be sympathetic to the opposition, and threatening to close down unauthorized mosques with ties to the opposition. Similarly, in states controlled by PAS, some government-affiliated imams have been banned from speaking. In the State of Kelantan, controlled by PAS, the state government reportedly restricts imams affiliated with the Barisan Nasional (the ruling coalition) from speaking in mosques.

The Government opposed what it considered "deviant" interpretations of Islam, maintaining that the deviant groups' extreme views endanger national security. According to the Islamic Development Department's website, 56 deviant teachings have been identified and prohibited to Muslims. They include Shi'a, transcendental meditation, and Baha'i teachings, among others. The Government can detain members of groups that do not follow the official Sunni teachings without trial under the Internal Security Act (ISA).

The Government continued to monitor the activities of the Shi'a minority.

Proselytizing of Muslims by members of other religions is strictly prohibited, although proselytizing of non-Muslims faces no similar obstacles. The Government restricts the distribution in peninsular Malaysia of Malay-language translations of the Bible, Christian tapes, and other printed materials. In April 2005, the Prime Minister declared that copies of the Malay-language Bible must have the words "Not for Muslims" printed on the front and could be distributed only in churches and Christian bookshops. The distribution of Malay-language Christian materials faces few restrictions in East Malaysia.

On April 25, 2005, two foreign Christian missionaries were arrested after distributing religious materials in front of a mosque in Putrajaya and were charged with "disturbing the peace in a religious manner." After 10 days, the Government dismissed the charges against the two men and released them.

According to the MCCBCHS, the Government restricted visas for foreign clergy under the age of 40 to inhibit "militant clergy" from entering the country. While representatives of non-Muslim groups did not sit on the immigration committee that approved visa requests, the MCCBCHS was asked for its recommendation. In 2003, the Government decided to allow automatic renewal of professional visit passes to foreign clergy.

The Government prohibits publications that it alleges might incite racial or religious disharmony. In 2004, the Government prohibited Muslims from viewing the movie "The Passion of the Christ" but allowed non-Muslims to view the film at private screenings.

The Government continued to require all Muslim civil servants to attend government-approved religious classes.

State governments have authority over the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. Approvals for building permits sometimes are granted very slowly. After years of complaints by non-Islamic religious organizations about the requirement that the Islamic Council in each state approve construction of non-Islamic religious institutions, the Minister of Housing and Local Government announced in 2003 that such approval no longer would be required. Despite this ruling, some religious groups have complained that state policies and local decisions have continued to restrict the construction of non-Muslim places of worship. Muslim residents of a neighborhood in Kajang objected to the building of a church in a residential area that was predominantly Muslim. In May 2005, the local municipal council determined that the proposed site was designated for residential building and rejected of the church's application. The construction of a Roman Catholic church was delayed for more than 14 years by the state government of Selangor before construction was completed in 2004. Unregistered houses of worship may be demolished by the state.

In family and religious matters, all Muslims are subject to Shari'a law. According to some women's rights activists, women were subject to discriminatory interpretations of Shari'a law and inconsistent application of the law from state to state. In January 2005, enforcement officers from the Federal Territories religious department raided a nightclub in Kuala Lumpur and arrested approximately 100 Muslim patrons for "indecent behavior" and for frequenting an establishment that served alcohol. The enforcement officers did not interfere with the non-Muslim patrons, and the charges against the Muslim patrons were subsequently dropped.

In January 2005, the Kelantan state government, controlled by PAS, proposed a dress code for non-Muslim women in supermarkets. Women's groups opposed the measure, claiming the imposition of a dress code was an infringement of gender rights. Also in Kelantan in January, 307 couples were fined for "indecent" acts including holding hands, kissing, and hugging in public.

In the 2004 general elections, PAS was defeated in Terengganu and lost control of the state government. In Kelantan, PAS also lost ground but remained in control of the state legislature by a narrow margin. Many observers interpreted the result as a rejection by voters of the call by PAS for the establishment of an Islamic state and of the strict form of Islam promoted by PAS.

Abuses of Religious Freedom

According to the Government, no individuals were detained under the ISA for religious reasons during the period covered by this report.

The Government is concerned that "deviationist" teachings could cause divisions among Muslims. Members of such groups can be arrested and detained, with the consent of the Islamic court, to be "rehabilitated" and returned to the "true path of Islam." For example, the Selangor State Religious Department detained 66 members of a "deviationist" group in 2003 and arrested 96 followers of another "deviationist" sect in April 2004. In 2002, the Government revealed that the Malaysian Islamic Development Department "rehabilitated" hundreds of followers from "deviationist" groups after they underwent "counseling" at a faith rehabilitation center in the State of Negeri Sembilan.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor United States citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

The generally amicable relationship among religions in society contributed to religious freedom.

Non-Muslim ecumenical and interfaith organizations in the country include the MCCBCHS, the Malaysian Council of Churches, and the Christian Federation of Malaysia. Muslim organizations generally do not participate in ecumenical bodies. In 2003, Muslim nongovernmental organizations (NGOs) boycotted a workshop entitled "Toward the Creation of an Inter-religious Council" on grounds that it might lead to an endorsement of apostasy, paving the way for other religions to spread their teachings among Muslims. In 2004, several mainstream Muslim NGOs boycotted and condemned the proposed formation of an interfaith council on grounds that "matters concerning Islam could only be discussed by Muslims."

In October 2003, then Prime Minister Mahathir used anti-Semitic language during his address to the Organization of Islamic Conference (OIC) in Kuala Lumpur. Mahathir's remarks about Jewish persons at the OIC meeting drew international condemnation. Prime Minister Abdullah Badawi, who succeeded Mahathir 2 weeks after the OIC speech, subsequently emphasized religious tolerance towards all faiths.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

In 2003, the U.S. Embassy protested anti-Semitic language used by then Prime Minister Mahathir during his address to the OIC in Kuala Lumpur.

Embassy representatives met and maintained an active dialogue with leaders and representatives of various religious groups. The Embassy also sponsored several major events to discuss these issues. In August 2004, the Embassy co-sponsored with the International Islamic University of Malaysia a major conference on "Islam in the 21st Century" in Kuala Lumpur. Three

prominent U.S. speakers participated; one encouraged religious tolerance and openness among Muslims, a theme also raised by the Prime Minister in his speech to open the conference. More than 250 Muslim scholars from dozens of countries attended the conference. The U.S. speakers and the Prime Minister also advocated the empowerment of Muslim women.

The Embassy also sponsored civil society grants and exchange grants for representatives of NGOs working to promote greater religious tolerance, respect for diversity, and human rights and openness in the country.

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